



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,803	08/04/2003	John H. Wurster	01-VE22.40C1	7425

32127 7590 10/08/2008
VERIZON
PATENT MANAGEMENT GROUP
1515 N. COURTHOUSE ROAD, SUITE 500
ARLINGTON, VA 22201-2909

EXAMINER

AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
----------	--------------

2614

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

10/08/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@VERIZON.COM

Office Action Summary	Application No. 10/632,803	Applicant(s) WURSTER ET AL.	
	Examiner RASHA S. AL AUBAIDI	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5-10, 12-13, 15-16, 18-19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20 and 24-26 is/are allowed.
- 6) ☒ Claim(s) 1, 5-10, 12, 13, 15, 16, 18, 19 and 21-23 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the Appeal Brief filed on 07/10/2008, PROSECUTION IS HEREBY REOPENED. New ground of rejection set forth below. Claims 33-60 are pending.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Allowable Subject Matter

2. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. Claims 20 and 24-26 are allowed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 5-10, 12-13, 15-16, 18-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Needham et al. (US PAT # 6,711,247) in view of Examiner's Official Notice.

Regarding claims 1 and 7, Needham teaches in a system for handling emergency calls, transmitting a first call set-up message indicating a first special calling party number (this reads on mapping the special ITU-TE.164 number to an extension number within the PBX in order to obtain the location of the building or the person who

Art Unit: 2614

initiated the 911 call, see col. 2, lines 49-64). Needham also teaches detecting a trigger when said first call reaches a switching point in the telecommunication network (this basically reads on call routing software 18 recognizing that the call is an emergency, see col. 2, lines 49-53); in response to detecting the trigger (receiving the 911 emergency call), transmitting a first query message (this reads on inserting the calling party information element field of the setup message at step 275, see co. 3, lines 39-45) to a control point (reads on the PSAP as shown in Fig. 1) in the telecommunication network, receiving said first query message at said control point (see col. 3, lines 39-45) and storing an indicator of said condition in response to receiving said first special calling party number ((this reads on assigning value Y to all 911 calls, see discussion on col. 3, lines 23-36). The call set up and query would also read on well known network communication set up.

Needham discloses that the invention deals with handling and processing emergency calls initiated manually by a user (i.e., a person dialing 911). On one hand, the claimed limitation “recognizing a condition” and “initiating a first call in response to recognizing the condition” as recited in claim 1 would read on the user “recognizing” an emergency condition such as fire and then “initiating” a call in response to recognizing the condition. On the other hand, obviously, the 911 call can be initiated automatically by an alarm system in response to recognizing/detection an emergency condition such as fire.

However, the Examiner takes official notice that alarms, monitoring and security devices automatically contact 911 call centers in the event of detecting an emergency condition (such as theft, fire), which leads the 911 call center to either call, monitor and/or dispatch help to the desired location where the emergency condition occurred.

Regarding claim 5, for determining the status associated with the subscriber telephone number, see col. 1, lines 55-60.

Claim 6, recites “detecting a trigger is performed at a terminating switch serving a subscriber telephone line”. See Fig. 1 of Needham.

For claims 8 and 13, even though Needham does specifically teach setting a flag as part of the processing record. Needham teaches setting a value (i.e., 1) as threshold that would determining whether to send a busy signal to a caller if the call is not an emergency call or not to send a busy signal to the caller if the call is determined to be a 911 call (see col. 3, lines 3-13 and lines 34-38).

Claim 9 limitations are obvious and well known in the art.

Claim 10 is rejected for the same reasons as discussed above with respect to claim 1. See Fig. 1 for the claimed features of “communication links”. The claimed “subscriber lines” reads on 12A, 12B and 12C as shown in Fig. 1. The claimed

Art Unit: 2614

“database” reads on the table within the PBX, see col. 1, lines 65-67 through col. 8, lines 1-2. The claimed “server” may read on the STS, see col. 1, lines 30-45.

Claims 12 and 15 are rejected for the same reasons as discussed above with respect to claim 10.

Claim 16 recites “said database comprises a Service Control point (SCP), and said plurality of switching points comprise a plurality of Service switching Points (SSPs)”. Needham does not specifically teach the use of an Advanced Intelligent Network that comprises SCP and SSP. Needham’s invention is implemented in an ISDN network. However, one of ordinary skill in the art may utilize any type of network based on the need and desire. This is considered a designee choice that does not rise the invention to the level of patentability.

Claim 18 is rejected for the same reasons as discussed above with respect to claims 1 and 16.

For claim 19, see col. 2, lines 53-67.

For claim 21, Needham teaches the use of an ISDN user part (ITU-T), see col. 2, lines 61-64.

Claims 22-23 are rejected for the same reasons as discussed above with respect to claim 16. Also, the use of a TCAP message within the advanced intelligent network is inherent if not obvious.

Remarks

5. In order to expedite prosecution of the application, applicant is advised again that the claimed limitation such as “*recognizing a condition*” and “*initiating a first call in response to recognizing the condition*” are so broad that they can read on many scenarios. For example, the claims’ language fails to associate any limitation whatsoever with the “condition” that is recognized. No environment, no component and no function is even remotely associated with the above limitation in the claims. Thus, it is reasonable to interpret such extremely broad limitation as “recognizing an **emergency** condition such as fire”. In response to detecting a fire, initiating a call. Also, the above extremely broad limitations may read on a **meter reader** (such as electric meter at a residence) that may detect a condition such as billing time has been reached, and then initiate a call to the utility company (e.g., electric company) to report the electric usage. The electric company (“control point”) would store the billing information and store any billing condition/status.

It is unhelpful when a claim’s scope reaches well beyond the disclosed invention and well beyond the environment that is disclosed in the specification. Since no “environment” is recited in the claim for example, regarding the “condition” that causes a

Art Unit: 2614

"initiating of a call", then the examiner's search would not be concentrated on the disclosed environment and would be spread over a wide range of telecommunications environments such as the alarm area, the meter reader area and the like. This is unhelpful and it is caused by applicant's choice to keep the claim's limitations extremely broad without even an "environment" in the telecommunications world.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S. AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/632,803

Page 9

Art Unit: 2614

/Rasha S AL-Aubaidi/

Primary Examiner, Art Unit 2614

/Ahmad F. Matar/

Supervisory Patent Examiner, Art Unit 2614